IN THE HIGH COURT OF BOMBAY AT GOA.

SECOND APPEAL NO. 69 OF 2002.

Shri Gonapat Anant Wagle
Kulkarni, c/o. Subhash
Sawant Kopardekar, Koparde,
Sattari. ... Appellant.

Versus

Smt. Chandrakala Bicaji Naik
alias Nandini G. Wagle Kulkarni,
MH-44, Housing Board Colony,
Antruz Nagar, Ponda. ... Respondent.

Mr. P.A. Kholkar, Advocate for the Appellant.

Coram: P.V. HARDAS, J.

Date: 13th February 2003.

ORAL ORDER.

The appellant in the present Second Appeal assails the concurrent findings of fact recorded by the two Courts below. The appellant/original plaintiff had filed a Matrimonial Petition No. 1 of 1999, in the Court of Civil Judge, Senior Division, Bicholim. The learned trial Court, by its Judgment and Decree, dated 8th March 2000, dismissed the petition filed by the present appellant/plaintiff. The learned trial Court had held that the appellant/plaintiff had not been able to prove that the respondent/defendant had ill-treated and had caused serious injuries to the appellant/plaintiff. The learned trial Court also held that the respondent/defendant had been able to prove that the appellant/plaintiff had kept a mistress by name Smt. Gulab Khadpe and was having illicit relations with

her.

2. The appellant/plaintiff, being aggrieved by the Judgment and Decree of the learned trial Court, filed Regular Civil Appeal No. 130 of 2000, before the learned District Judge, North Goa, Panaji. The learned lower appellate Court, by its Judgment and Decree, dated 20th July 2002, dismissed the appeal filed by the present appellant/plaintiff. The learned lower appellate Court, after appreciating the evidence of the witnesses examined in the trial, held that there was no satisfactory evidence on record to show that the respondent/defendant was ill-treating and causing serious injuries to the appellant/plaintiff. In respect of the other two witnesses examined on behalf of the appellant/plaintiff, the learned lower appellate Court found that they had referred to an instance after the alleged cause of action arose to file the suit. The learned lower appellate Court also found that there was no corroboration whatsoever in the evidence of the appellant/plaintiff and the witnesses examined by him. The learned lower appellate Court, therefore, dismissed the appeal and confirmed the Judgment and Decree of the learned trial Court dismissing the Matrimonial Petition by the appellant/plaintiff.

3. I have heard Mr. Kholkar, the learned counsel

appearing on behalf of the appellant. There are no questions of law much less any substantial question of law to warrant any interference in the findings of fact recorded by the two Courts below. I, thus, see no merit in the present Second Appeal and the same is dismissed in limine with no order as to costs.

(P.V. HARDAS)
JUDGE.

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